

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 364

Introduced by Senator Florez

February 25, 2009

An act to add Section 1285.5 to the Health and Safety Code, relating to ~~pharmacy~~ health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 364, as amended, Florez. ~~Pharmacies.~~ *Health facilities: cancer centers.*

Under existing law, the State Department of Public Health is responsible for licensing and regulating health facilities, including general acute care hospitals. Violation of these provisions is a crime.

This bill would prohibit an officer, director, or member of a governing board of a general acute care hospital that is designated by the National Cancer Institute as a comprehensive cancer center and that accepts state funds from holding a position as an officer, director, or member of a government board of a corporation that either manufactures or sells tobacco products or that has violated federal or state controlled substances laws or regulations. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacies by the California State Board of Pharmacy.~~

~~Existing law prohibits a person, other than a pharmacist or other specified persons, from being in a specified area where controlled substances or dangerous drugs or dangerous devices are stored, possessed, prepared, manufactured, derived, compounded, dispensed, or repackaged.~~

~~This bill would declare the intent of the Legislature to enact legislation authorizing the imposition of specified penalties on a pharmacy that fails to safeguard controlled substances, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*
3 *(a) Cancer research and treatment ensures the development of*
4 *cures for many life-threatening diseases.*
5 *(b) Consumption of tobacco products, particularly by minors,*
6 *is a leading cause of cancer.*
7 *(c) California, through the Medi-Cal program, provides several*
8 *millions of dollars each year for cancer treatment and research*
9 *to general acute care hospitals that are designated by the National*
10 *Cancer Institute as comprehensive cancer centers.*
11 *(d) California advocates, as a matter of public policy, reduction*
12 *in overall tobacco consumption and prohibits tobacco consumption*
13 *near public thoroughfares.*
14 *(e) General acute care hospitals that are designated as*
15 *comprehensive cancer centers also take steps to educate the public*
16 *about the dangers of tobacco use.*
17 *(f) It is misleading for a general acute care hospital that is*
18 *designated as a comprehensive cancer center and that is provided*
19 *resources by the state to employ officers and directors who profit*
20 *from the sale and distribution of tobacco products.*
21 *(g) A general acute care hospital that is designated as a*
22 *comprehensive cancer center and that is provided resources by*
23 *the state should seek to ensure that its directors and officers do*
24 *not profit from the consumption of tobacco products and that its*
25 *directors and officers do not render services to corporations that*
26 *have violated federal or state laws.*

1 *SEC. 2. Section 1285.5 is added to the Health and Safety Code,*
2 *to read:*

3 *1285.5. An officer, director, or member of a governing board*
4 *of a general acute care hospital that is designated by the National*
5 *Cancer Institute as a comprehensive cancer center to conduct*
6 *cancer research and treatment and that accepts state funds shall*
7 *not hold a position as either of the following:*

8 *(a) An officer, director, or member of the board, or a similar*
9 *position of a corporation that manufactures or sells tobacco*
10 *products.*

11 *(b) An officer, director, or member of the board, or a similar*
12 *position of a corporation that has violated federal or state*
13 *controlled substances laws or regulations or that has been fined*
14 *for violating controlled substances laws or regulations.*

15 *SEC. 3. No reimbursement is required by this act pursuant to*
16 *Section 6 of Article XIII B of the California Constitution because*
17 *the only costs that may be incurred by a local agency or school*
18 *district will be incurred because this act creates a new crime or*
19 *infraction, eliminates a crime or infraction, or changes the penalty*
20 *for a crime or infraction, within the meaning of Section 17556 of*
21 *the Government Code, or changes the definition of a crime within*
22 *the meaning of Section 6 of Article XIII B of the California*
23 *Constitution.*

24 ~~SECTION 1. It is the intent of the Legislature to enact~~
25 ~~legislation that would authorize the imposition of specific penalties~~
26 ~~on pharmacies that fail to safeguard controlled substances used to~~
27 ~~make controlled substances for illegal use.~~